

4-180412

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CMA-CGM (AMERICA), INC., now known
as CMA CGM (AMERICA) LLC,

08 CIV. 0180 (McMAHON)

Plaintiff,

- against -

REPLY AFFIDAVIT

SILVER LINE MOTORS, and
ISMAIL ELABDALLAH,

Defendants.

-X

STATE OF NEW YORK)
)
COUNTY OF NEW YORK)

) ss.:
)

ALBERT J. AVALLONE, being duly sworn, deposes and says:

1. I am a member of the Bar of this Court, and am a member of the firm of Albert J. Avallone & Associates, counsel for plaintiff. As such, I am personally familiar with the facts and circumstances of this instant motion.
2. Plaintiff does not object to removing Ismail Elabdallah as a named defendant. The reason he was so named is that the Dun & Bradstreet report on Silver Line Motors did not show Silver Line Motors as a corporation or assumed name of Texas Silver Line, Inc., and named the individual defendant as "Owner". The facts set forth in the instant motion, verified by deponent, bely the assumption made in reference to the Dun & Bradstreet report.

3. As defendant now appears to be actually Texas Silver Line, Inc., a/k/a Silver Line Motors, deponent respectfully requests that the Complaint be amended to reflect the full name of defendant.

Dated: New York, New York
July 23, 2008



Albert J. Avallone

Sworn to before me this
23rd day of July, 2008



Notary Public

DOROTHY C. MERITE
Notary Public, State of New York
No. 31-4961997
Qualified in New York County
My Commission Expires 2/28/10